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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,176	03/31/2006	Gregor Kohlruss	KOHLRUSS ET AL -19 PCT US	7875
25889	7590	02/19/2009	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			GUIDOTTI, LAURA COLE	
			ART UNIT	PAPER NUMBER
			3727	
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			02/19/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,176	<b>Applicant(s)</b> KOHLRUSS ET AL.	
	<b>Examiner</b> Laura C. Guidotti	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 January 2009 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the working edge" in Line 6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 5-6, 10-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kersh, US 2,516,396.

Kersh discloses the claimed invention including a retaining handle (10), a retaining body (12) held by the retaining handle (10), the retaining body comprising a first portion covered by the retaining handle (the upper surface portion of 12 is "covered" by the retaining handle as its shown in Figures 2-3) and a second portion not covered by the retaining handle (the lower surface portion of 12, see Figures 2-3), and a cleaning element (assembly of 32, 34) comprising an elastic band of cleaning material surrounding the retaining body with elastic bias (Column 3 Lines 40-51) and wedged in between the retaining handle and the retaining body (Figures 2-3; Column 3 Lines 47-57), the cleaning element further comprising a first working surface and at least one second working surface (a first working surface is a portion of 32, 34, the second working surface is a different portion of 32, 34), wherein the cleaning element is capable of being movable from a first functional position to at least one second functional position (as the cleaning element is flexible and can be easily assembled and disassembled, Column 3 Line 40 to Column 4 Line 4), wherein the first working surface is adjacent to the second portion of the retaining body when the cleaning element is moved into a first functional position and wherein the at least one second working surface is adjacent to the second portion of the retaining body when the cleaning element is moved into the at least one second functional position. Regarding claim 5, the cleaning element is a cleaning plush (32, see Figures). Regarding claim 6, the retaining body has lateral depressions (see Figures 2-3) into which the elastically

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deformably retaining handle engages with a non-positive and positive lock and in this connection wedges the cleaning element in between itself and the retaining body (Column 3 Lines 3-39). Regarding claim 10, the retaining body also has a working surface that is round when viewed in cross section with a round working edge (see Figures). Regarding claim 11, the retaining handle has a  $\Omega$ -shaped configuration in cross-section, having a center axis (would be a vertical central axis to the position of the device in Figure 2), whereby two pressure ridges that lie diametrically opposite one another (20 and 20) with reference to the center axis (Figure 2), are disposed on the retaining handle oriented in opposite directions (Figure 2) which run perpendicular to the retaining body (see Figures). Regarding claim 12, an extension projects perpendicularly away from the pressure ridges (22) is disposed on free ends of the pressure ridges, in each instance (see Figures 2-3), which extension runs parallel to the retaining body and is oriented towards the working edge (Figures 2-3).

4. Claims 7, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura, US 3,955,233.

Nakamura discloses the claimed invention including a retaining handle (4), a retaining body (5) held by the retaining handle (4), the retaining body comprising a first portion covered by the retaining handle (the lower surface portion of 5 is "covered" by the retaining handle as its shown in Figure 2) and a second portion not covered by the retaining handle (the upper surface portion of 5, see Figure 2), and a cleaning element (6) comprising an elastic band of cleaning material surrounding the retaining body with elastic bias (Column 1 Line 66 to Column 2 Line 2) and wedged in between the

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retaining handle and the retaining body (in that the cleaning element 6 is wrapping the surface of the retaining body 5, Column 1 Line 66 to Column 2 Line 1), the cleaning element further comprising a first working surface and at least one second working surface (a first working surface is a portion of 6, the second working surface is a different portion of 6), wherein the cleaning element is capable of being movable from a first functional position to at least one second functional position (as the cleaning element is flexible and can be easily detached and reassembled, Column 2 Lines 16-20), wherein the first working surface is adjacent to the second portion of the retaining body when the cleaning element is moved into a first functional position and wherein the at least one second working surface is adjacent to the second portion of the retaining body when the cleaning element is moved into the at least one second functional position. Regarding claim 7, the retaining body consists of a stiff, elastic foam material (Column 1 Lines 63-65). Regarding claim 10, the retaining body also has a working surface that is round when viewed in cross section with a round working edge (see Figures).

5. Claims 5, 7-8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Buck et al., US 5,042,105.

Buck discloses the claimed invention including a retaining handle (14, 16), a retaining body (18) held by the retaining handle (14, 16), the retaining body comprising a first portion covered by the retaining handle (the upper surface portion of 18 is "covered" by the retaining handle as its shown in Figures 2-3) and a second portion not covered by the retaining handle (the lower surface portion of 18, see Figures 2-3), and a

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cleaning element (10) comprising an elastic band of cleaning material surrounding the retaining body with elastic bias (Column 2 Line 64 to Column 3 Line 3) and wedged in between the retaining handle and the retaining body (Figure 3), the cleaning element further comprising a first working surface and at least one second working surface (a first working surface is a portion of 10, the second working surface is a different portion of 10), wherein the cleaning element is capable of being movable from a first functional position to at least one second functional position (as the cleaning element is flexible and can be easily detached and reassembled, Column 3 Lines 23-31), wherein the first working surface is adjacent to the second portion of the retaining body when the cleaning element is moved into a first functional position and wherein the at least one second working surface is adjacent to the second portion of the retaining body when the cleaning element is moved into the at least one second functional position. Regarding claim 5, the cleaning element is a cleaning plush (terry cloth, Column 2 Lines 18-19). Regarding claim 7, the retaining body consists of a stiff, elastic foam material (Column 2 Lines 8-9). Regarding claim 8, the retaining body also has a working surface that is rectangular when viewed in cross section with two straight working edges (see Figures).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al., US 5,042,105 in view of Ichikawa et al., JP 2002-143065 (see also computer generated English translation).

Buck et al. disclose all elements previously mentioned above, however does not disclose that the retaining body has a working surface that is triangular when viewed in cross-section, having a working edge that comes to a point.

Ichikawa et al. teach a floor cleaning device including a retaining body (12, 16) held by a retaining handle (14, 20), on which a cleaning element (18) can be fixed in a first functional position (as shown in the Figures) and is capable of being transferred from the first functional position into at least one second functional position (as a user is capable of shifting or reversing the side facing outwards of 18 or fully removing the sheet). Regarding claim 9, the retaining body has a working surface that is triangular (16; see Figure 1b or Figures 5a, 5c-5e).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the cross-sectional shape of the retaining body of Buck et al. to be triangular so that there is a working edge that comes to a point, as Ichikawa et al. teach, so that the body has a shape better suited for some cleaning tasks in narrow crevices that may require a pointed edge.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-



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1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/  
Primary Examiner, Art Unit 3727

lcg